

REMARKS

None of the claims have been amended or cancelled. Claims 1, 4, 22-24 and 43 are pending and under consideration. Claims 1, 22 and 43 are the independent claims. No new matter is presented in this Response.

DOUBLE PATENTING:

Claims 1 and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the independent claims of copending Application Nos. 12/173,341, 12/113,398, 12/116,279, 12/116,436, 12/035,721, 12/035,700, 12/039,969, 12/976,101, 11/968,740, 11/866,622, 11/852,700, and 11/430,084.

Since claims 1 and 22 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature (see MPEP 804).

As such, it is respectfully requested that Applicants be allowed to address any provisional obviousness-type double patenting issues remaining once the rejection of the claims under 35 U.S.C. §102 is resolved.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1, 4, 22-24 and 413 are rejected under 35 U.S.C. §102(b) as being anticipated by Itoh et al. (U.S. Patent No. 6,160,778).

Regarding the rejection of independent claim 1, it is noted that claim 1 recites a write-once disc with at least one record layer, comprising: at least one temporary defect management area in which temporary management information including temporary defect information and temporary defect management information are recorded, said temporary defect information comprising position information of a defect area and position information of a replacement area for replacing the defect area, and said temporary defect management information comprising a pointer indicating an area in which the temporary defect information is recorded; and an access information area in which location information is recorded, said location information regarding an area in which the temporary management information is recorded.

The Office Action relies on Itoh for a teaching of the features of independent claim 1 and relies on the status field 22a for a teaching of a pointer. In particular, the Office Action states that the status field 22a indicates the location of defective sector 22b and the location of the replacement sector 22c and points to column 10, line 30 to column 11, line 37 for such teachings. Applicants respectfully traverse such assertions for at least the following reasons.

Itoh discloses in FIG. 1C a structure of a secondary defect list (SDL) entry 22. The SDL entry 22 includes a status field 22a, a field 22b for storing information which indicates the location of the defective sector, and a field 22c for storing information which indicates the location of a replacement sector for the defective sector. The status field 22a is used to indicate whether the defective sector is replaced by a replacement sector (column 10, lines 30-37). For example, the status field 22a may include a 1-bit flag 22a-1 and a reserved area 22a-2. For example, the 1-bit flag 22a-1 being "1" may indicate that the defective sector is not replaced by a replacement sector, and it being "0" may indicate that the defective sector is replaced by a replacement sector (column 10, lines 43-48).

Accordingly, Applicants respectfully assert that Itoh, at most, teaches a status field or a pointer for indicating whether a defective sector is replaced by a replacement sector, but makes no reference or suggestion that this status field or pointer indicates a location where the temporary defect information is recorded, as recited in independent claim 1.

Furthermore, Applicants respectfully note that in column 10, lines 61-67, Itoh discloses that instead of providing the status field 22a, a predetermined value, (which indicates that "no replacement sector available i.e., the defective sector is not replaced by a replacement sector"), may alternatively be inserted in the field 22a which is for storing information indicating the location of a replacement sector (see FIG. 1E).

Therefore, even assuming that this predetermined value were the claimed pointer, it is respectfully noted that the predetermined value simply stores information indicating the location of the replacement sector, and not a location in which temporary defect information is recorded, as recited in independent claim 1.

Accordingly, Applicants respectfully assert that Itoh fails to teach or suggest, at least, this novel feature of independent claim 1.

Further, the Office appears to indicate that the recited “access information area” of claim 1 for example, corresponds to the disc information area (4) of Itoh et al. The access information area as recited in claim 1 for example, is an area in which “location information regarding an area in which the temporary management information is recorded,” is recorded.

The disc information area (4) of Itoh et al comprises a control data area and defect management information area. Itoh et al does not appear to disclose what information is contained in the control data area, and the defect management information area does not appear to include location information regarding an area in which the temporary management information is recorded. Accordingly, should the rejection be maintained, Applicants respectfully request that the Office clarify which of the information contained in the disc information area (4) of Itoh et al. corresponds to “location information regarding an area in which the temporary management information is recorded,” as recited in claim 1.

Finally, as noted in MPEP 706.02 Applicants respectfully note that “for anticipation under 35 U.S.C. §102, the reference must teach every aspect of the claimed invention either explicitly or impliedly.” In the instant case, Itoh does not explicitly nor implicitly teach, at least, a pointer indicating an area in which the temporary defect information is recorded. Therefore, Applicants respectfully request that the rejection under 35 U.S.C. §102(b) be withdrawn.

Regarding the rejection of independent claims 22 and 43 it is noted that these claims recite some substantially similar features as claim 1. Thus, the rejection of these claims is also traversed for similar reasons as set forth above.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 4, 23 and 24 under 35 U.S.C. §102(b) should be withdrawn at least because of their dependency from independent claim 1 and 22, and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 4, 23 and 24 also distinguish over the prior art.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,

Date: November 27, 2009

By: /Charles Y. Park/
Charles Y. Park
Registration No. 50,709

Telephone: (202) 429-0020